

BUSINESS & LABOREXHIBIT NO. 2
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FILE NO. SB 242**SB 242 – Revise antiquated Boiler Inspection Laws (Sen. Joe Balyeat)**

This is about as simple as a bill gets. Half a page long -- It simply strikes the requirement that exempt low pressure boilers be in residences or apartments to allow the exemption. I'm carrying this bill for one of my constituents, who has run into no end of mindless bureaucratic red tape simply trying to run his small business, and keep his employees warm in winter. Over the years boilers have gotten tremendously safe -- multiple safety valves, and cut off switches, and engineering improvements. Boilers that used to be bigger than my office, are now small enough to fit under one of my chairs. But the law hasn't changed.

This committee often must discern and sort out what laws are really to protect public safety versus what laws are to protect against competition or protect someone's paycheck. If you look at current law, you see that the law itself is inconsistent. It says low pressure, low temperature boilers are exempt from inspections if they're in a home or apartment building with six families or less. But they're not exempt if they're in a small business. I argue that the current law itself proves this isn't a safety issue ---Why is it safe to use one of these small boilers at night in a building filled with 6 sleeping families; but not safe to use the same boiler in in daytime in an office with 2 or 3 people who are wide awake? This isn't safety protection, it's protectionism. If it's safe for 6 sleeping families, why isn't it safe for 3 wide-eyed workers?

I'm going to let my constituent, Russ Penkal, share with you the bureaucratic wringer he's gone through with his little boiler. It's simply ridiculous.

Now I knew from the outset that I'd have opposition to this simple little bill. Lots of opposition -- from the boiler operators, the boiler inspectors, the boiler operator trainers and testers, and the boiler inspector trainers and testers, and the boiler operator licensers and boiler inspector licensers, and boiler operating licensing boards and boiler inspector licensing boards. Oh, and the boiler inspector and trainer licensor boards. And if we had them, I'm sure even the boiler inspector licensor board certifiers would be here in opposition too.

I want to say before you hear that parade of opposition, that I'm willing to amend this bill in any way possible to calm the opponents of this bill and yet still make this law practical and workable for small businesses.

But let me suggest a different way of looking at this issue. I've already pointed out that the present law's internal contradiction seems to indicate it's really about protectionism and not protection. Let me also suggest that the more opponents you see here, defending this incredibly small bit of turf, the more likely it is that I'm right... that it's really all about the money.

I'll sit and listen to proponents, and opponents (if any), and answer your questions; but let me first introduce Russ Penkal. We've known each other for over 20 years, he was my sons' school teacher when they were young. We share a unique situation -- both ending up in adjoining emergency rooms at the hospital on Christmas morning. I'm happy to report his presence there had nothing to do with a boiler malfunction.